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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,841	08/24/2006	Janne Mikkola	915-001.096	1434
4955	7590	01/16/2009	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP		MAPA, MICHAEL Y		
BRADFORD GREEN, BUILDING 5		ART UNIT		PAPER NUMBER
755 MAIN STREET, P O BOX 224		2617		
MONROE, CT 06468		MAIL DATE		DELIVERY MODE
		01/16/2009		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,841	MIKKOLA, JANNE	
	Examiner	Art Unit	
	Michael Mapa	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 August 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) 12-17 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11 and 18-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 August 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I claims 1-11 and 18-26 in the reply filed on 10/30/08 is acknowledged. The traversal is on the ground(s) that the call diversion process according to the invention is executed within the network in all the claims and that the call diversion only within the mobile station does not have any sense if the mobile station is not connected to any mobile network as a network terminal. This is not found persuasive because the requirement restriction statement of call diversion process within the "network level communication system" of the examiner is meant that the base station, mobile switching center, server or network elements not including the mobile station apparatus, identifies and performs the call diversion process. The examiner agrees with the applicant that the call diversion process according to the invention is executed within the network and that the call diversion within the mobile station needs to be connected to a mobile network, however the applicant has claimed a mobile station to execute the call diversion process claimed, within said mobile station (claims 12 - 17) and has also claimed a mobile switching center to execute the call diversion process claimed, within said mobile switching center (claims 18 – 23). The applicant is claiming two different inventions within the application and is therefore subject to restriction.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 08/24/06 has been considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 24-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant has amended claims 24-26 to state "a computer-readable storage medium" filed on 10/30/08, however the specification does not state or provide description on "a computer-readable storage medium", therefore claims 24-26 are new matter.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has claimed "software elements", however the specification does not state or provide a description on "software elements". For the purpose of the examination and rejection provided below, the examiner will interpret software elements to be a computer program embodied in a computer readable medium. Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 8 and 24-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With regards to claim 8, the applicant has claimed "software elements", however there is no support in the specification for software elements and could be interpreted as program code and is therefore non-statutory subject matter. For the purpose of the examination and rejection provided below, the examiner will interpret software elements to be a computer program embodied in a computer readable medium.

With regards to claims 24-26, the applicant has claimed “computer readable storage medium”, however, the applicant has not provided a description on what the “computer readable storage medium” entails in the specification, therefore claims 24-26 falls under non-statutory subject matter. For the purpose of the examination and the rejection provided below, the examiner will interpret “computer readable storage medium” to be statutory and not have a 101 rejection.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-2, 4, 6-8 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Reding et al. (US Patent Publication 2004/0156491 herein after referenced as Reding).

Regarding claim 1, Reding discloses “A method comprising: transmitting data from a transmitting mobile station, from which there is defined a call divert command to a receiving mobile station” (Fig. 8 & Paragraphs [0038] & [0116] of Reding, wherein

Reding discloses the invention using mobile phones and forwarding the call (transmitting data) to a particular number if the calling party is specified in the disposition list to forward the calls). Reding discloses “identifying a data transmitting device from which data is being transmitted to the receiving mobile station” (Fig. 8 & Paragraphs [0114] – [0115] of Reding, wherein Reding discloses receiving a call and determining if special handling based on caller-ID should be applied and sending a query to the application server to look up the caller-ID in the disposition list). Reding discloses “in case the data transmitting device is identified as the transmitting mobile station, from which there is defined a call divert command to the receiving mobile station, receiving the data or in case the data transmitting device is identified as other than the transmitting mobile station, from which there is defined a call divert command to the receiving mobile station, transmitting the data further” (Paragraph [0121] of Reding, wherein Reding discloses calls to their home phone from a particular user will ring the home phone, therefore receiving the data when the transmitting device is identified as the transmitting mobile station with a defined call divert command).

Regarding claim 2, Reding discloses “A method according to claim 1, wherein the transmitting mobile station, from which data is being transmitted to the receiving mobile station, is identified by a network device before transmitting the data to the receiving mobile station, and the receiving mobile station is selected according to the identified data transmitting device by said network device” (Fig. 8 & Paragraphs [0114] – [0116] of Reding, wherein Reding discloses a receiving a call which is then routed by the network to the SSP and ISCP and the ISCP determining if special handling based on the caller-

ID should be applied and wherein a query is sent to the application server to look up the caller-ID in the disposition list to retrieve the instructions on how to handle the call such as forwarding to a particular number of a mobile phone, therefore a network device).

Regarding claim 4, Reding discloses “A system comprising: a transmitting; element for transmitting data from a transmitting mobile station to a receiving mobile station as a response to a call divert command in the transmitting mobile station” (Fig. 8 & Paragraphs [0038] & [0116] of Reding, wherein Reding discloses the invention using mobile phones and forwarding the call (transmitting data) to a particular number if the calling party is specified in the disposition list to forward the calls, therefore a transmitting element). Reding discloses “an identifying element for identifying a data transmitting device from which data is being transmitted to the receiving mobile station” (Fig. 8 & Paragraphs [0114] – [0115] of Reding, wherein Reding discloses receiving a call and determining if special handling based on caller-ID should be applied and sending a query to the application server to look up the caller-ID in the disposition list, therefore an identifying element). Reding discloses “a receiving element for receiving data in the receiving mobile station, in case the data transmitting device is identified as the transmitting mobile station, from which data, according to the call divert command, is transmitted to the receiving mobile station” (Paragraph [0121] of Reding, wherein Reding discloses calls to their home phone from a particular user will ring the home phone, therefore a receiving element for receiving the data when the transmitting device is identified as the transmitting mobile station with a defined call divert command). Reding discloses “and a further transmitting element for transmitting data further to a

predetermined receiving device, in case the data transmitting device is identified as other than the transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station” (Paragraph [0117] of Reding, wherein Reding discloses a default handling treatment of forwarding the call to a particular number if no specific treatment is specified, therefore a further transmitting element in the case of the transmitting mobile station is identified as other than a mobile station with a specified call divert command).

Regarding claim 6, Reding discloses “A system according to claim 4, wherein it includes a redefining element for redefining receiver information of the transmitted data based on predefined receiver information, as a response to identifying the data transmitting device as other than the transmitting mobile station, from which data, according to the call divert command, is transmitted to the receiving mobile station” (Paragraph [0117] of Reding, wherein Reding discloses a default handling treatment of forwarding the call to a particular number (predefined receiver) if no specific treatment is specified, therefore a redefining element for redefining receiver information in the case of the transmitting mobile station is identified as other than a mobile station with a specified call divert command).

Regarding claim 7, Reding discloses “A system according to claim 4, wherein it includes a redefining element for redefining the receiver information based on data type, according to predetermined instructions, as a response to identifying the data transmitting device as other than the transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station”

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(Paragraphs [0090] & [0117] of Reding, wherein Reding discloses a default handling treatment of forwarding the call to a particular number (predefined receiver) if no specific treatment is specified as well as disclosing SMS messages addressed to their home phone number directed to an SMS capable device, therefore a redefining element for redefining receiver information based on data type in the case of the transmitting mobile station is identified as other than a mobile station with a specified call divert command).

Regarding claim 8, Reding discloses “A system according to claim 4, wherein the transmitting element, identifying element, receiving element and further transmitting elements are software elements” (Paragraph [0125] of Reding, wherein Reding discloses the system and method of the invention to be stored on computer readable media).

Regarding claim 23, Reding discloses “A computer-readable storage medium encoded with instructions that, when executed by a computer, perform processing data for transmission as a response to detecting a call divert command” (Paragraph [0125] of Reding, wherein Reding discloses the system and method of the invention to be stored on computer readable media). Reding discloses “identifying a data transmitting device” (Fig. 8 & Paragraphs [0114] – [0115] of Reding, wherein Reding discloses receiving a call and determining if special handling based on caller-ID should be applied and sending a query to the application server to look up the caller-ID in the disposition list). Reding discloses “transmitting data to a receiving mobile station according to the call divert command, in case the data transmitting device is identified as a

transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station” (Paragraph [0121] of Reding, wherein Reding discloses calls to their home phone from a particular user will ring the home phone, therefore transmitting data to the receiving mobile station when the transmitting device is identified as the transmitting mobile station with a defined call divert command). Reding discloses “and transmitting data to a predetermined receiving device, in case the data transmitting device is identified as other than the transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station” (Paragraph [0117] of Reding, wherein Reding discloses a default handling treatment of forwarding the call to a particular number if no specific treatment is specified, therefore a transmitting data to a predetermined receiving device in the case of the transmitting mobile station is identified as other than a mobile station with a specified call divert command).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 9-11, 18-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding et al. (US Patent Publication 2004/0156491 herein after referenced as Reding).

Regarding claim 9, Reding discloses “A system according to claim 4, wherein the system is a mobile communication network” (Paragraph [0033] of Reding, wherein Reding discloses a cellular network).

Reding fails to explicitly disclose “and that the transmitting element, identifying element, receiving element and further transmitting, elements are located in a message center or a mobile switching center, or both.”

Reding discloses a voice network plane to include the SSP, ISCP and mobile switching center (Paragraph [0091] of Reding).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Reding to incorporate all the elements into a mobile switching center for the purpose of saving network resources by consolidating the elements into a single apparatus such as a mobile switching center.

Regarding claim 10, Reding discloses “A system according to claim 4, wherein the system is a communication network” (Paragraph [0033] of Reding, wherein Reding discloses a cellular network).

Reding fails to explicitly disclose “and the transmitting element, identifying element, receiving element and further transmitting elements are located in a network gateway bus.”

Reding discloses a voice network plane to include the SSP, ISCP and mobile switching center (Paragraph [0091] of Reding) as well as disclosing being connected by a direct connection (Paragraph [0085] of Reding).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Reding to incorporate all the elements into a network gateway bus for the purpose of saving network resources by consolidating the elements into a single apparatus such as a network gateway bus.

Regarding claim 11, Reding discloses “A system according to claim 4, wherein the system is a communication network, and that the transmitting element, identifying element, receiving element and further transmitting elements are located in a network terminal device.” The examiner rejects claim 11 with the same arguments provided above (see claim 9).

Regarding claim 18, Reding discloses “a transmitting element for transmitting data as a response to detecting a call divert command” (Fig. 8 & Paragraphs [0038] & [0116] of Reding, wherein Reding discloses the invention using mobile phones and forwarding the call (transmitting data) to a particular number if the calling party is specified in the disposition list to forward the calls, therefore a transmitting element). Reding discloses “an identifying element for identifying a data transmitting device from which data is transmitted to a receiving mobile station” (Fig. 8 & Paragraphs [0114] – [0115] of Reding, wherein Reding discloses receiving a call and determining if special handling based on caller-ID should be applied and sending a query to the application server to look up the caller-ID in the disposition list, therefore an identifying element).

Reding discloses “a transmitting element for transmitting data to the receiving mobile station, in case the data transmitting device is identified as the transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station” (Paragraph [0121] of Reding, wherein Reding discloses calls to their home phone from a particular user will ring the home phone, therefore a transmitting element for transmitting the data to the receiving mobile station when the transmitting device is identified as the transmitting mobile station with a defined call divert command). Reding discloses “and a transmitting element for transmitting data to a predetermined receiving device, in case the data transmitting device is identified as other than the transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station” (Paragraph [0117] of Reding, wherein Reding discloses a default handling treatment of forwarding the call to a particular number if no specific treatment is specified, therefore a transmitting element in the case of the transmitting mobile station is identified as other than a mobile station with a specified call divert command).

Reding fails to explicitly disclose “A mobile switching center” comprising all the elements above. However Reding discloses a voice network plane that includes a mobile switching center and the elements stated above (Paragraph [0091] of Reding).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Reding to incorporate all the elements into a mobile switching center for the purpose of saving network resources by consolidating the elements into a single apparatus such as a mobile switching center.

Regarding claim 20, Reding discloses “A mobile switching center according to claim 18, wherein the center includes a redefining element for redefining data receiver information as a response to identifying the data transmitting device as other than the transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station, and a rerouting element for rerouting transmitted data to a redefined receiving device” (Paragraph [0117] of Reding, wherein Reding discloses a default handling treatment of forwarding the call to a particular number (predefined receiver) if no specific treatment is specified, therefore a redefining element and rerouting element for redefining data receiver information and rerouting transmitted data to a redefined receiving device, in the case of the transmitting mobile station is identified as other than a mobile station with a specified call divert command).

Regarding claim 21, Reding discloses “A mobile switching center according to claim 20, wherein it includes an establishing element for establishing an active connection between the original data transmitting device and the redefined receiving device” (Paragraph [0117] of Reding, wherein Reding discloses a default handling treatment of forwarding the call to a particular number (predefined receiver) if no specific treatment is specified, therefore an establishing element. The examiner maintains that once the call is forwarded to the particular number and the user answers the call at the particular number an active connection is established).

Regarding claim 22, Reding discloses “A mobile switching center according to claim 18, wherein the center includes a transmitting element for transmitting a given

data entity to the receiving device” (Paragraphs [0121] & [0090] of Reding, wherein Reding discloses having the calls (data entity) to their home phone from a particular contact ring the home phone as well as disclosing sms messages (data entity) being sent to an SMS capable device of the users choosing).

Regarding claim 24, Reding discloses “A computer-readable storage medium according to claim 23.” The examiner rejects claim 24 with the same arguments provided above (see claim 9).

Regarding claim 25, Reding discloses “A computer-readable storage medium according to claim 23.” The examiner rejects claim 25 with the same arguments provided above (see claim 10).

Regarding claim 26, Reding discloses “A computer-readable storage medium according to claim 23.” The examiner rejects claim 26 with the same arguments provided above (see claim 11).

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reding et al. (US Patent Publication 2004/0156491 herein after referenced as Reding) in view of Mooney (US Patent 7363006 herein after referenced as Mooney).

Regarding claim 3, Reding discloses “A method according to claim 1, and according to the identified data transmitting device, the data is received in said receiving mobile station, or it is transmitted further to a predetermined receiving device” (Paragraph [0121] of Reding, wherein Reding discloses calls to their home phone from

a particular user will ring the home phone, therefore receiving the data in the received mobile station when the transmitting device is identified as the transmitting mobile station with a defined call divert command).

Reding fails to disclose “wherein the transmitting mobile station, from which data is being transmitted to the receiving mobile station, is identified in the-receiving mobile station before activating the data in the receiving mobile station.”

In a related field of endeavor, Mooney discloses “wherein the transmitting mobile station, from which data is being transmitted to the receiving mobile station, is identified in the-receiving mobile station before activating the data in the receiving mobile station” (Column 5, Lines 15 – 22 of Mooney, wherein Mooney discloses the gateway cell phone comparing Caller-ID information with respect to an incoming call and determining if any of the terminals listed is allowed to remotely answer, therefore comparing the Caller-ID information and forwarding the call to the allowed terminals).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Reding to incorporate the teachings of Mooney of having the cell phone identify the transmitting mobile station for the purpose of saving network resources by reducing the complexity and the amount of signaling done in the back end.

14. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reding et al. (US Patent Publication 2004/0156491 herein after referenced as Reding) in view of LaPierre et al. (US Patent 6738466 herein after referenced as LaPierre).

Regarding claim 5, Reding discloses “A system according to claim 4.” Reding fails to disclose “wherein it includes an identifying element for identifying that previous device from which the data was last transmitted.”

In a similar field of endeavor, LaPierre discloses “wherein it includes an identifying element for identifying that previous device from which the data was last transmitted” (Column 5, Lines 1 – 7 of LaPierre, wherein LaPierre discloses the call identification information including the redirecting number is forwarded to the telephone station and wherein a caller identification unit identifies the number from which the call was redirected, therefore an identifying element).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Reding to incorporate the teachings of LaPierre for the purpose of identifying whether an incoming call has been redirected from another number and to which number the call was redirected from (Column 1, Lines 49 – 53 of LaPierre).

Regarding claim 19, Reding discloses “A mobile switching center according to claim 18, and for defining the receiving device according to an identified transmitter” (Paragraph [0116] of Reding, wherein Reding discloses the disposition list specifying the calls from a calling party to be forwarded to a particular number).

Reding fails to disclose “wherein the center is able to look up in a network home register information for identifying a previous transmitter of the data”

In a similar field of endeavor, LaPierre discloses “wherein the center is able to look up in a network home register information for identifying a previous transmitter of the data” (Column 5, Lines 1 – 7 of LaPierre, wherein LaPierre discloses the call

identification information including the redirecting number is forwarded to the telephone station and wherein a caller identification unit identifies the number from which the call was redirected, therefore network home register information for identifying a previous transmitter).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Reding to incorporate the teachings of LaPierre for the purpose of identifying whether an incoming call has been redirected from another number and to which number the call was redirected from (Column 1, Lines 49 – 53 of LaPierre).

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617